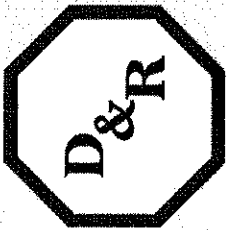


# **EXHIBIT C**

MID-CONTINENT TOWER  
401 South Boston, Suite 310  
Tulsa, Oklahoma 74103  
918-599-0507

ROBINSON RENAISSANCE  
119 N. Robinson, Suite 650  
Oklahoma City, Oklahoma 73102  
405-235-4106



depo@direporting.com

REPORTING & VIDEO, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

HITUL GANDHI, individually )  
and on behalf of a class of )  
others similarly situated, )

Plaintiff, )

vs. )

No. A-08-CA-248-JRN

DELL INC., and DELL )  
MARKETING USA, L.P., )

Defendant. )

CATHERINE L. DAVIS and TOMMY )  
MOORE, Individually and on )  
Behalf of others similarly )  
situated, )

vs. )

No. A-08-CA-794-JRN

DELL, INC. d/b/a DELL )  
COMPUTER, INC., a Delaware )  
corporation, DELL USA L.P., )  
a Texas Limited Partnership )  
and DELL MARKETING L.P., a )  
Texas Limited Partnership, )

Defendant. )

COPY

1  
2  
3 DEPOSITION OF AMY MAI ATSUMI  
4 TAKEN ON BEHALF OF THE PLAINTIFFS  
5 IN OKLAHOMA CITY, OKLAHOMA  
6 ON DECEMBER 17, 2008  
7  
8  
9  
10  
11  
12

13 Reported by: Elizabeth Caudill, CSR, RMR, CRR  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 A Correct.

2 Q All right. Now, are you saying that  
3 the RSR's, would those individuals fall under the  
4 category ISR?

5 A Yes, that is what I'm saying.

6 Q Okay. Now, in terms of compensation, I  
7 understand there's been a change. Consumer sales  
8 reps are now hourly employees; is that correct?

9 A Correct.

10 Q However, the business sales  
11 representatives -- by the way, what's the best  
12 way to refer to business sales representatives?  
13 Do you use any type of acronym?

14 A No. You can utilize business sales  
15 representatives if my understanding is by your  
16 use non-consumer sales representatives.

17 Q All right. Are those folks, are they  
18 hourly or are they salaried individuals right  
19 now?

20 A Currently they are salaried individuals  
21 non-exempt.

22 Q So there's been no change to the  
23 business sales representatives as there was with  
24 the consumer sales representatives in terms of  
25 compensation?

1 but I may be inaccurate on that.

2 Q Okay. Let me back up for one second  
3 before we talk specifically on Exhibit 6.

4 A Sure.

5 Q In Oklahoma City, to your  
6 understanding, have business sales  
7 representatives always manually entered their  
8 time into KRONOS, ma'am?

9 A Yes, it is -- yes.

10 Q From the beginning of the call center?

11 A I don't know what the practice was at  
12 the beginning of the call center prior to my  
13 arrival in Oklahoma City.

14 Q When did you arrive in Oklahoma City?

15 A February of 2007.

16 Q But at least as of that time, they were  
17 manually entering their time into KRONOS?

18 A Business sales representatives, yes.

19 Q Was calculation of hours tied in any  
20 way to CCO or the phone system?

21 A No. Calculation of hours worked is  
22 based upon KRONOS entries.

23 Q What about prior to February 2007?

24 A My understanding that calculation of  
25 hours worked are always generated out of the

1 KRONOS system.

2 Q Was KRONOS tied in any way to the  
3 CCO reporting or the phone system?

4 A Don't believe that KRONOS is  
5 specifically tied into the CCO phone system.

6 Q Okay.

7 A For business sales division.

8 Q All right. What about other sales  
9 divisions or any other divisions of the company  
10 in Oklahoma?

11 A I don't know for sure.

12 Q All right. Now, you are aware, are you  
13 not, at least in the Oregon call center, that the  
14 phone system was tied to total hour reports at  
15 some point in time?

16 A So it's my understanding in Oregon at  
17 the time that, yes, the phone system provided a  
18 primary indicator of start and end times for the  
19 representatives there.

20 Q And what do you mean by "primary  
21 indicator"?

22 A It would indicate when a sales  
23 representative started taking calls and then when  
24 the sales representative would stop taking calls.

25 And again, I'm not a subject matter

1 Q That is actually not what 8:00 to 5:00  
2 calculates, is it?

3 A No.

4 Q And KRONOS, in fact, is set up to  
5 deduct an hour for lunch every day; is that  
6 correct?

7 A Yes.

8 Q Are you aware whether or not -- you're  
9 aware from time to time that business sales  
10 representatives may work through lunch to attend  
11 trainings and things of that sort?

12 A I'm aware that there may be reasons why  
13 sales representatives might work through their  
14 lunch hour or a portion of their lunch hour.

15 Q All right. Are you aware of Dell in  
16 Oklahoma City doing any type of audit to go back  
17 and compensate their business sales  
18 representatives for that period of time worked  
19 during those lunches?

20 A So I'm not aware of any particular  
21 audit, although we make it very clear to all  
22 sales representatives in the business sales  
23 division that it's their responsibility to ensure  
24 that their KRONOS entries are accurate, which  
25 means if they worked through their lunch period

1 or a portion of their lunch period, it's their  
2 responsibility to punch in and out accordingly or  
3 to reflect that in their KRONOS records so that  
4 they can be compensated for that portion worked.

5 Q Okay. Now here, though, Ms. Davis, at  
6 least on our example of July 12th, is entering  
7 time of 8:00 a.m. to 5:00 p.m. with no in and out  
8 for lunch; correct?

9 A Not that I can see in this report.

10 Q But nonetheless, KRONOS is set up to  
11 deduct from those entries the one hour for lunch;  
12 correct?

13 A Correct.

14 Q What would Ms. Davis or anybody else,  
15 for that matter, who worked sometime during their  
16 lunch break, have to do to go back in to make  
17 sure KRONOS adds back in the time they worked  
18 during lunch?

19 A So an individual can go back into the  
20 KRONOS system and enter in -- or adjust either  
21 their start time, their end time, or add in  
22 punches in and out to reflect accurate working  
23 times.

24 Q All right. And that would be through a  
25 WOW ticket; is that correct?



1           A     I believe that if -- if they have not  
2 already passed the required submission date for  
3 KRONOS for that pay period, they are able to go  
4 in directly into KRONOS and enter in that  
5 information.

6           Q     Okay. All right. Now, as you look at  
7 this printout, though, I'll represent to you each  
8 of these time entries has deducted the hour lunch  
9 except those that are shorter than an eight-hour  
10 day.

11                   So does this appear to you to say that  
12 Ms. Davis never, in fact, worked any period of  
13 time during her lunch break?

14           A     So while on the surface it may appear  
15 that way, individuals can -- as they adjust their  
16 in time or their out time, they can adjust it to  
17 reflect total hours worked.

18                   So hypothetically, an individual who  
19 may have worked through 30 minutes of their lunch  
20 break could punch an out time of, say, 5:30  
21 rather than 5:00 to reflect the additional 30  
22 minutes of time worked in the total day.

23           Q     Okay. So that's yet another mechanism  
24 other than the WOW ticket whereby they could get  
25 compensated --

1 A Directly to --

2 Q -- for hours work?

3 A -- into KRONOS, correct. They could  
4 either do that directly into KRONOS or they could  
5 submit a WOW ticket if the KRONOS system had  
6 already locked for that pay period.

7 Q When does it lock for the pay period?

8 A I can't remember the specific dates. I  
9 believe it is a Tuesday before the -- I don't  
10 know specifically what the cut-off date is.

11 Q Okay.

12 A I would only be speculating or  
13 guessing.

14 Q This report was printed on January  
15 17th, 2008, at least from the entry at the top  
16 right there.

17 A That's what it says, yes.

18 Q So any adjustments that Ms. Davis may  
19 have made or attempted to make to compensate for  
20 any hours she may have worked, hypothetically,  
21 during her one-hour lunch period, these should be  
22 reflected in this printout; correct?

23 A I believe so. However, I don't know  
24 for certain whether or not any adjustments made  
25 through a WOW ticket are captured in this report.